IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO.4556 OF 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BHARAT BACHU VAGHASIA & ORS.

Versus

STATE OF GUJARAT & ORS.

Appearance:

1. Special Civil Application No. 4556 of 2004

MR. B.D. KARIA for Petitioner Nos. 1-28

MS. D.S. PANDIT, AGP for Respondent Nos. 1-3

MR. M.M. TIRMIZI for Respondent No. 4

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 29/04/2005

ORAL JUDGEMENT

1. The petitioners have preferred this petition being aggrieved by the order dated 12th June, 2000 passed by the learned 3rd Extra Assistant Judge, Junagadh in Civil Miscellaneous Appeal No.33 of 1992 whereby the

appeal was allowed and the order dated 25th February, 1992 passed by the learned Civil Judge (S.D.), Junagadh below Exh.5 in Regular Civil Suit No.757 of 1991 was vacated.

2. I have heard the learned Counsel for the parties and have perused the relevant documents on record. While admitting the petition, this Court stayed the impugned order till further orders. Since stay is operating as on date, it would be appropriate to continue the same till the suit pending before the trial Court is disposed of, while expediting its hearing.

3. Accordingly, without entering into the merits of the matter, the trial Court is directed to expedite the hearing of the suit, being Regular Civil Suit No.757 of 1991, and to dispose it of within a period of six months, if it is already ripe for hearing; otherwise, within a period of one year from the date of receipt of writ of this order. The stay granted by this Court shall continue till the said suit is disposed of.

4. With the above observations and directions, the petition is disposed of. The impugned order dated 12th June, 2000 passed by the learned 3rd Extra Assistant Judge, Junagadh in Civil Miscellaneous Appeal No.33 of 1992 stands quashed and set aside. Office is directed to send writ of this order forthwith.

[K.S.Jhaveri, J.]
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